

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

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DATE FILED: Oct. 5, 2021

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Sarah Goolden,

Plaintiff,

-against-

Hamed Wardak,

Defendant.  
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19-cv-6257-ALC-DCF

**ORDER**

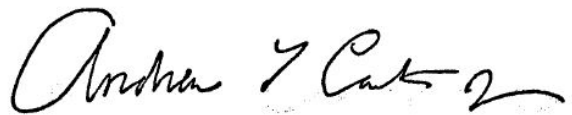
**ANDREW L. CARTER, JR., United States District Judge:**

The Court is in receipt of Plaintiff Sarah Goolden's ("Plaintiff" or "Goolden") Motion to Dismiss Defendant Hamed Wardak's ("Wardak") Counterclaim based upon his Second Amended Answer & Counterclaim, ECF Nos. 72-74, Wardak's opposition to the Motion to Dismiss and Cross-Motion for Leave to file a Third Amended Answer and Counterclaim, ECF Nos. 76-78, Plaintiff's combined reply in support of the Motion to Dismiss and opposition to Wardak's Cross-Motion to Amend, ECF No. 79, and Wardak's reply brief and affidavit from Rhett O. Millsaps II in support of Defendant's cross-motion for leave to amend. ECF Nos. 80, 81.

In light of the fact that Wardak has filed a cross-motion for leave to amend and to promote judicial efficiency, Plaintiff's Motion to Dismiss Counterclaim (ECF No. 72) is hereby **DENIED** without prejudice. After the Cross-Motion for Leave to file a Third Amended Answer and Counterclaim is decided, Plaintiff may move to dismiss if she so wishes. The Clerk of Court is respectfully requested to terminate the motion at ECF No. 72.

**SO ORDERED.**

**Dated:** Oct. 5, 2021  
New York, New York



**ANDREW L. CARTER, JR.**  
United States District Judge